

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Li

Serial No.: 10/518,819

Group Art Unit: 1614

Filed: December 20, 2004

Examiner: Joseph R. Kosack

Confirmation No.: 9884

Title: **Benzoic Acid Derivatives As Modulators Of PPAR Alpha And Gamma**

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

RESPONSE TO THE RESTRICTION REQUIREMENT

The present Response is filed in regard to the Restriction Requirement dated April 27, 2007 in regard to the above-identified patent application. The period for responding to the Office Action has been extended, by enclosure of a petition and fee, to and through September 27, 2007.

The Examiner has restricted claims 1-14 into sixty (60) groups. **Applicants elect Group I, containing claims 1-14 drawn to processes and compounds of Formula I or II where V is O, q is 1, and W is a single bond, with traverse.** All pending claims read on the elected Group.

Even if the Examiner considers the groups of claims to be patentably distinct, §803 of the M.P.E.P. mandates two criteria for a proper requirement for restriction: 1) the inventions must be independent or distinct; and 2) there must be a serious burden on the examiner. For purposes of initial requirement, a serious burden on the examiner may be *prima facie* shown if the examiner shows by appropriate explanation either separate classification, separate status in the art, or a different field of search as defined in M.P.E.P. §808.02. Significantly, the Examiner has not met the *prima facie* burden. Indeed, the Examiner has not shown separate classification, separate status in the art, or a requirement for a different field of search.

Applicants submit that the present response is complete and complies with the requirements of 35 U.S.C. §121.

The Commissioner is hereby authorized to charge any deficiencies of fees and credit any overpayments to Deposit Account No. 50-0436.

Respectfully submitted,

/Paul K. Legaard, Reg.#38,534/

Paul K. Legaard

Date: **21 September 2007**

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